

Agreement between the Government of the United States of America and the Government of Burkina Faso regarding the surrender of persons to the International Criminal Court

The Government of the United States of America and the Government of Burkina Faso, hereinafter "the Parties,"

Reaffirming the importance of bringing to justice those who commit genocide, crimes against humanity and war crimes,

Recalling that the Rome Statute of the International Criminal Court done at Rome on July 17, 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court is intended to complement and not supplant national criminal jurisdiction,

Considering that the Parties have each expressed their intention to investigate and to prosecute where appropriate acts within the jurisdiction of the International Criminal Court alleged to have been committed by their officials, employees, military personnel or other nationals,

Bearing in mind Article 98 of the Rome Statute,

Hereby agree as follows:

1. For purposes of this agreement, "persons" are current or former Government officials, employees (including contractors), or military personnel or nationals of one Party.
2. Persons of one Party present in the territory of the other shall not, absent the express consent of the first Party,
  - (a) be surrendered or transferred by any means to the International Criminal Court for any purpose, or
  - (b) be surrendered or transferred by any means to any other entity or third country, or expelled to a third country, for the purpose of surrender to or transfer to the International Criminal Court.
3. When the Government of the United States of America extradites, surrenders, or otherwise transfers a person of Burkina Faso to a third country, the Government of the

United States of America will not agree to the surrender or transfer of that person to the International Criminal Court by the third country, absent the express consent of the Government of Burkina Faso.

4. When the Government of Burkina Faso extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of Burkina Faso will not agree to the surrender or transfer of that person to the International Criminal Court by a third country, absent the express consent of the Government of the United States of America.

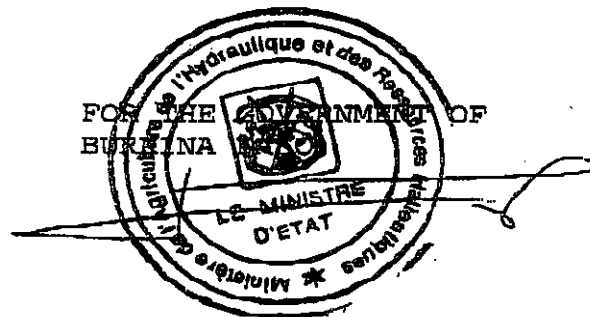
This Agreement shall enter into force upon an exchange of notes confirming that each Party has completed the necessary domestic legal requirements to bring the Agreement into force. It will remain in force until one year after the date on which one Party notifies the other of its intent to terminate this Agreement. The provisions of this Agreement shall continue to apply with respect to any act occurring, or any allegation arising, before the effective date of termination.

[\*]  
Done at Ouagadougou, in duplicate, this 2nd day of October 2003, in English and French, both texts being equally authentic.

FOR THE GOVERNMENT OF  
THE UNITED STATES OF AMERICA:

*J. Anthony Holmes*  
Ambassador of the  
United States of  
America

FOR THE GOVERNMENT OF  
BURKINA FASO



[\*]

Signed on behalf of the Government of the United States of America on October 5, 2003.